

Message Text

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C O N F I D E N T I A L STATE 081721 TOSEC 030078

NODIS
FOR THE SECRETARY FROM MOOSE AND MAYNES

E.O. 11652: GDS

TAGS: PORG, WA, SF

SUBJECT:NAMIBIA: EFFORTS TO OBTAIN FAVORABLE SWAPO
REACTION TO WESTERN PROPOSAL
LAGOS FOR AMBASSADOR YOUNG
1. THE LATEST INFORMATION ON PROSPECTS FOR EITHER
SWAPO OR SAG ACCEPTANCE OF CONTACT GROUP PROPOSAL ON
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KAPUUNO IS CLEARLY NOT GOING TO MAKE THINGS ANY EASIER.
ON THE POSITIVE SIDE, HOWEVER, WE HAVE REPORT FROM AMB.
EASUM THAT OBASANJO'S REACTION TO PRESENTATION OF CONTACT
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GROUP PROPOSAL WAS QUITE FAVORABLE, AND WE ANTICIPATE
GENERALLY FAVORABLE REACTIONS FROM FRONT LINE STATES
AS WELL.

2. UNDER THESE CIRCUMSTANCES, WE BELIEVE OUR POSITION
WOULD BE SIGNIFICANTLY STRENGTHENED WERE WE ABLE TO
OBTAIN CONTACT GROUP ACCEPTANCE OF POSITIONS RELATIVELY
FAVORABLE TO SWAPO ON STATUS OF WALVIS BAY AND POSSIBI-
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AS WE DISCUSSED WITH YOU ON MARCH 27.

3. ALTHOUGH OUR BASIC OBJECTIVE CONTINUES TO BE OBTAINING ACCEPTANCE OF THE CONTACT GROUP PROPOSAL, WE

BELIEVE WE MUST BEGIN TO POSITION OURSELVES FOR POSSIBLE BREAKDOWN OF THE NEGOTIATING PROCESS WHICH WOULD INEVITABLY BRING NAMIBIA BEFORE THE SECURITY COUNCIL. WE BELIEVE THAT BOTH OBJECTIVES WILL BE SERVED BY ADOPTING POSITIONS ON WALVIS BAY AND POSSIBLE SECURITY COUNCIL ACTION WHICH WOULD BE RESPONSIVE TO POINTS RAISED IN ANDY'S LAST CONVERSATION WITH NUJOMA. TO BEGIN WITH, SUCH STEPS WOULD MAKE IT marginally MORE LIKELY THAT SWAPO WOULD EVENTUALLY ACCEPT CONTACT GROUP PROPOSAL. MOREOVER, THEY WOULD CERTAINLY CREATE VERY FAVORABLE IMPRESSION WITH LEADERS OF FRONT LINE STATES AND NIGERIA, SEVERAL OF WHOM GIVE CLEAR EVIDENCE OF GROWING DISENCHANTMENT WITH SWAPO'S INTRANSIGENCE. SHOULD SWAPO REJECT PROPOSAL, DESPITE THESE FAVORABLE MOVES BY CONTACT GROUP, WE WOULD BE ON MUCH FIRMER GROUND IN ARGUING WITH ANY AFRICANS AGAINST SEEKING RESOLUTIONS IN SECURITY COUNCIL IMPOSING STEPS AGAINST SOUTH AFRICA WHICH WE COULD NOT ACCEPT. SHOULD ISSUE NONETHELESS COME BEFORE THE COUNCIL, WE WOULD ALSO BE CONFIDENTIAL

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IN BETTER POSITION TO MAKE CLEAR THAT WE HAD DONE ALL WHICH COULD REASONABLY BE EXPECTED IN SATISFYING SWAPO, BUT TO NO AVAIL.

4. GETTING AGREEMENT OF UK AND OTHER CONTACT GROUP MEMBERS TO THIS APPROACH WILL NOT BE EASY. AS OUR TOSEC 30032 MAKES CLEAR, DAVID OWEN BELIEVES THAT A COMMITMENT ON SECURITY COUNCIL ACTION, SHOULD SWAPO ACCEPT PROPOSALS WHILE SAG REJECTS THEM AND MOVES TO AN INTERNAL SETTLEMENT, WOULD BE VERY DANGEROUS. THIS IS THE "SLIPPERY SLOPE" ARGUMENT TO WHICH HMG IS SO ATTACHED. WHILE WE AGREE THAT THIS ARGUMENT HAS SOME VALIDITY, WE BELIEVE THAT OWEN HAS MISSED SEVERAL IMPORTANT POINTS, NAMELY:

A) THE CONTACT GROUP IS ALREADY COMMITTED TO THIS GENERAL LINE OF ACTION IN ITS APRIL 1977 AIDE MEMOIRE TO SAG WHICH SAID, INTER ALIA, THAT CONTACT GROUP MEMBERS WILL BE OBLIGED "TO RECONSIDER THEIR PREVIOUS POSITIONS REGARDING PROPOSALS FOR STERN ACTION BY THE UNITEDNATIONS AND WILL BE COMPELLED TO EXAMINE A NEW RANGE OF MEASURES INTENDED TO OBTAIN SOUTH AFRICAN COMPLIANCE WITH APPLICABLE RESOLUTIONS OF THE UNITED NATIONS SECURITY COUNCIL CONCERNING NAMIBIA." SWAPO IS ALMOST CERTAINLY AWARE OF THIS AIDE MEMOIRE, WHICH EXPRESSES A POSITION WHICH HAS BEEN IMPLICIT THROUGHOUT OUR NAMIBIA ACTIVITY DURING THE PAST YEAR.

B) REGARDLESS OF THE CAUSE, IF CONTACT GROUP EFFORT BREAKS DOWN, WE WILL BE IN THE SECURITY COUNCIL OVER NAMIBIA. TO EXTENT THAT WE CAN DEMONSTRATE WE MADE MAXIMUM EFFORT, OUR ABILITY TO RESIST PRESSURES WILL BE GREATER.

C) FINALLY, STATEMENT OF THE SORT WE HAVE IN MIND MAKING TO NUJOMA WOULD BE VERY GENERAL IN NATURE AND CONFIDENTIAL

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WOULD NOT COMMIT US TO ANY SPECIFIC IMPLEMENTING ACTION. WE ALSO BELIEVE THAT STEPS WHICH WE WOULD LIKE TO TAKE WITH SWAPO COULD CONCEIVABLY SERVE TO KEEP NEGOTIATING PROCESS GOING AND THUS KEEP US OUT OF THE SECURITY COUNCIL.

D) THE AFRICANS ARE THREATENING A UNITING FOR

PEACE APPROACH TO THE NAMIBIAN PROBLEM IN THE GENERAL ASSEMBLY. THIS PROSPECT INCREASES OUR NEED FOR MAKING SURE THAT VIS-A-VIS THE AFRICANS WE SEIZE THE POLITICAL HIGH GROUND.

5. ON BASIS OF ABOVE, WE SUGGEST THAT YOU AUTHORIZE TELEGRAM CONTAINED IN PARAS 6-15 BELOW. YOU WILL NOTE THAT WE HAVE INCLUDED POINTS ON ASSASSINATION OF CHIEF KAPUUNO WHICH WE BELIEVE THE CONTACT GROUP SHOULD ACT ON QUICKLY. WE DID NOT HAVE A CHANCE TO DISCUSS THIS APPROACH WITH DON MCHENRY BEFORE HE LEFT TO JOIN YOU, AND YOU MAY WANT TO DISCUSS THIS WITH HIM BEFORE ACTING.

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DEPARTMENT BELIEVES THAT THE CONTACT GROUP SHOULD UNDERTAKE ADDITIONAL STEPS DESIGNED TO GAIN SWAPO'S ACCEPTANCE OF THE CONTACT GROUP'S PROPOSAL. THIS OBJECTIVE STRIKES US AS WITHIN REALM OF POSSIBILITY ON THE BASIS OF AMBASSADOR YOUNG'S CONVERSATION WITH SAM NUJOMA AND OTHER SWAPO OFFICIALS REPORTED IN DAR ES SALAAM'S 1290, CONTENTS OF WHICH SHOULD NOW BE SHARED FULLY WITH OTHER MEMBERS OF THE CONTACT GROUP. AS INDICATED IN DAR'S 1290, WHILE ASKING WHETHER THE US WOULD MAKE ASSURANCES REGARDING WALVIS BAY AND

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CHAPTER VII, NUJOMA IN NO WAY COMMITTED SWAPO TO ACCEPT THE WESTERN FIVE'S PROPOSAL IF WE RESPONDED FAVORABLY. MOREOVER, OUR RESPONSE IS BOUND TO BE LESS THAN WHAT SWAPO WANTS FROM US. THEN, TOO, WHILE NYERERE GLOSSED

OVER THE RESIDUAL SOUTH AFRICAN FORCE QUESTION IN HIS

TALK WITH ANDY, THIS CONTINUES TO BE A CRITICAL ELEMENT IN ACC-PTANCE BY BOTH SWAPO AND SAG. WE BELIEVE VORSTER MOST UNLIKELY TO AGREE TO LOCATE SOUTH AFRICAN TROOPS IN WINDHOEK OR FURTHER SOUTH. IT IS ALSO VERY DOUBTFUL SWAPO WILL ACCEPT THE PRESENCE OF THE RESIDUAL FORCE IN THE GROOTFONTEIN AND/OR OSHIVELLA AS PROPOSED BY THE FIVE.

7. DESPITE NUJOMA'S CLEAR DISSATISFACTION WITH SOME ASPECTS OF CONTACT GROUP'S PROPOSAL, WE BELIEVE THAT CONSTRUCTIVE CONTACT GROUP RESPONSE TO HIS REQUEST FOR POSITIVE STATEMENTS ON STATUS OF WALVIS BAY AND POSSIBLE SECURITY COUNCIL ACTION AGAINST SOUTH AFRICA (IN THE EVENT SWAPO ACCEPTS OUR PROPOSAL AND SOUTH AFRICA DOES NOT) WOULD GIVE US A BETTER BASIS FOR OBTAINING SWAPO'S ACCEPTANCE OF THE PROPOSAL. IN ADDITION, A POSITIVE RESPONSE ON NUJOMA'S TWO REQUESTS NOW WILL BUTTRESS OUR POSITION SHOULD NEGOTIATIONS BREAK DOWN WITH RESULTANT DEMANDS FOR COUNCIL ACTION. EVENTUAL PUBLIC REFERENCE TO OUR COMMITMENTS TO SWAPO WILL HELP US TO DEFEND AGAINST CHARGES THAT WE HAVE NOT STOOD BY OUR PROPOSALS AND PROVIDE A RATIONALE FOR RESISTING SC ACTION WHICH WE ARE NOT PREPARED TO COUNTENANCE.

8. ON WALVIS BAY, DEPARTMENT PROPOSES THAT CONTACT GROUP ADVISE NUJOMA THAT A PUBLIC STATEMENT BY THE FIVE TO THE EFFECT THAT WE SUPPORTED SWAPO VIEW THAT WALVIS BAY IS PART AND PARCEL OF NAMIBIA WOULD PROBABLY LEAD TO A BREAKDOWN IN ALL NEGOTIATIONS WITH SOUTH AFRICA. HOWEVER, WE PROPOSE THE FOLLOWING STATEMENT WHICH WE WOULD BE PREPARED TO MAKE PUBLIC IF NUJOMA FOUND IT ACCEPTABLE. CONFIDENTIAL

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-- WHILE WE ARE NOT PREPARED TO TAKE A POSITION ON THE COMPLEX LEGAL CLAIMS OF THE PARTIES, IN THE FINAL ANALYSIS, WE BELIEVE THE ISSUE MUST BE RESOLVED IN A POLITICAL RATHER THAN A LEGAL CONTEXT.

-- GEOGRAPHICALLY, ADMINISTRATIVELY, AND ECONOMICALLY THERE ARE STRONG ARGUMENTS FOR INCLUDING WALVIS BAY AS A PART OF AN INDEPENDENT NAMIBIA. THE ETHNIC AND CULTURAL TIES BETWEEN THE INHABITANTS OF WALVIS BAY AND THE REST OF NAMIBIA ARE ALSO COMPELLING.

-- FROM THE OUTSET OF THEIR EFFORT TO FIND AN INTERNATIONALLY-ACCEPTABLE NEGOTIATED SOLUTION TO THE PROBLEM OF NAMIBIA IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 355, THE FIVE GOVERNMENTS HAVE TAKEN THE POSITION THAT A SOLUTION TO THE PROBLEM OF WALVIS BAY MUST BE FOUND IN

NEGOTIATIONS BETWEEN AN INDEPENDENT NAMIBIAN STATE AND

SOUTH AFRICA.

-- WE BELIEVE THAT THE ECONOMIC, GEOGRAPHIC, POLITICAL AND ADMINISTRATIVE CONSIDERATIONS OUTLINED ABOVE ARE OF SUFFICIENT STRENGTH THAT THE OUTCOME OF THESE NEGOTIATIONS SHOULD BE THAT WALVIS BAY SHOULD BE PART OF NAMIBIA. IN LINE WITH THEIR CONTINUED INTEREST IN NAMIBIA, MEMBERS OF THE CONTACT GROUP WOULD BE PREPARED AT THE REQUEST OF THE PARTIES TO ASSIST IN FINDING SUCH A SOLUTION.

IN DISCUSSING ABOVE WITHIN CONTACT GROUP, MISSION SHOULD POINT OUT THAT MOST NAMIBIAN GROUPS, INCLUDING TURNHALLE, HAVE COME OUT FOR INCLUSION OF WALVIS BAY IN NAMIBIA. IN ADDITION, SOUTH AFRICA HAS AGREED THAT ALL ASPECTS OF CONFIDENTIAL

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WALVIS BAY QUESTION SHOULD BE SUBJECT TO NEGOTIATIONS.

9. WE BELIEVE THAT CONTACT GROUP SHOULD ALSO STRESS TO SWAPO POINT THAT THE WALVIS BAY ISSUE, WHILE IMPORTANT, IS NOT PARAMOUNT, AND THREATENS, THROUGH ITS TEMPORARY INSOLUBILITY, THE ENTIRE NEGOTIATING PROCESS. IN OUR VIEW, IT WOULD CLEARLY BE SELF-DEFEATING FOR SWAPO TO PASS UP THE OPPORTUNITY PRESENTED BY THE CONTACT GROUP PROPOSAL IN ORDER TO PROTECT ITS MAXIMUM POSITION ON THIS ISSUE.

10. TURNING TO SECURITY COUNCIL ASPECTS, DEPARTMENT HAS BEEN WORKING ON ASSUMPTION SINCE DELIVERY OF OUR INITIAL AIDE MEMOIRE TO SOUTH AFRICANS IN APRIL 1977 THAT "STERN ACTION" THREATENED IN THAT AIDE MEMOIRE WOULD PROBABLY INCLUDE CHAPTER VII SANCTIONS. WE HAVE NOW REACHED THE POINT WHERE WE WILL BE REQUIRED TO BE MORE SPECIFIC ON THIS POINT BOTH WITH SOUTH AFRICA AND SWAPO, AND WE BELIEVE THAT ATTITUDE OF CONTACT GROUP TOWARD EMPLOYMENT OF CHAPTER VII SANCTIONS SHOULD BE MAJOR TOOL IN OBTAINING ACCEPTANCE BY BOTH SIDES OF OUR PROPOSAL. IN THE LAST FEW WEEKS, SWAPO DIRECTLY AND THE SAG INDIRECTLY HAVE RAISED THE SAME QUESTION: IF WE ACCEPT YOUR PROPOSALS AND THE OTHER SIDE DOES NOT, WILL YOU STAND BEHIND YOUR OWN INITIATIVE? WE THINK IT IS NOW TIME TO SAY WE WILL.

11. CONSEQUENTLY, WE BELIEVE THAT CONTACT GROUP SHOULD AGREE TO INFORM SWAPO THAT IF SWAPO ACCEPTS CONTACT GROUP PROPOSAL AS IT STANDS, INCLUDING STATEMENT ON WALVIS BAY IN PARA 3 ABOVE, AND SOUTH AFRICA REJECTS PROPOSAL AND PROCEEDS WITH AN ATTEMPT TO IMPLEMENT AN INTERNAL SETTLEMENT, THE MEMBERS OF THE CONTACT GROUP WOULD RECOGNIZE THAT THIS, WHEN COMBINED WITH SOUTH AFRICA'S SUSTAINED, ILLEGAL OCCUPATION OF NAMIBIA, CREATES A THREAT TO

INTERNATIONAL PEACE AND SECURITY AS UNDERSTOOD IN CHAPTER VII OF THE CHARTER, AND THAT WE WOULD BE PREPARED TO

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SUPPORT A NAMIBIA-SPECIFIC CHAPTER VII FINDING AGAINST SOUTH AFRICA. RESOLUTION WHICH WE HAVE IN MIND, AND WHICH MISSION SHOULD DISCUSS WITH CONTACT GROUP, WOULD NOT CONTAIN SPECIFIC MEASURES BUT WOULD CALL ON ALL STATES TO TAKE "APPROPRIATE ACTION" UNDER ARTICLE 41 TO OVERCOME THIS THREAT TO THE PEACE. WE WOULD NOT PROPOSE TO DISCUSS WITH SWAPO THE NATURE OF CHAPTER VII ACTION WE WOULD BE PREPARED TO TAKE. SWAPO SHOULD, AT THE SAME TIME, BE MADE AWARE THAT IF SWAPO CONTINUED TO DESCRIBE CONTACT GROUP'S PROPOSAL AS INADEQUATE, WE WOULD CLEARLY BE ON WEAK GROUND IN PROPOSING SANCTIONS AGAINST SOUTH AFRICA EVEN IF SOUTH AFRICA ALSO REJECTED PROPOSAL. MOREOVER, SHOULD SWAPO REJECT PROPOSAL WHILE SOUTH AFRICA ACCEPTS IT, SWAPO SHOULD BE AWARE THAT NAMIBIA-SPECIFIC CHAPTER VII SANCTIONS UNDER THESE CIRCUMSTANCES ARE HIGHLY UNLIKELY.

12. THE DEPARTMENT BELIEVES THAT DETERIORATING ATMOSPHERE IN NAMIBIA IN WAKE OF CHIEF KAPUUNO'S ASSASSINATION REQUIRES INTERVENTION BY CONTACT GROUP WITH FRONT-LINE STATES AND SWAPO IN EFFORT TO HEAD OFF ESCALATION OF VIOLENCE. WE THINK THAT CONTACT GROUP MEMBERS SHOULD MAKE APPROACH TO FRONT LINE/SWAPO ALONG FOLLOWING LINES.

A) WE ARE COMMITTED TO PEACEFUL TRANSITION IN NAMIBIA;

B) WE ARE NOT COMMITTED TO ANY ONE NAMIBIAN PARTY. WE HAVE BEEN WORKING TO ESTABLISH CONDITIONS IN WHICH THE PEOPLE OF NAMIBIA, REGARDLESS OF RACE OR POLITICAL AFFILIATION, WILL BE ABLE TO DETERMINE THEIR OWN FUTURE WITHOUT FOREIGN INTERFERENCE;

C) WE DO NOT ACCEPT AT FACE VALUE CLAIMS BY SOUTH AFRICA

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THAT SWAPO WAS RESPONSIBLE FOR CHIEF KAPUUNO'S DEATH, ALTHOUGH WE HAVE NOTED WITH ALARM AMBIGUOUS SWAPO STATEMENTS, SOME OF WHICH WOULD APPEAR TO WELCOME HIS ASSASSINATION AND IMPLY THAT FURTHER ACTION OF THIS TYPE WOULD LIKEWISE BE WELCOMED.

D) SHOULD IT BECOME APPARENT THAT SWAPO ELEMENTS HAVE EMBARKED ON A POLICY AIMED AT THE PHYSICAL ELIMINATION OF NAMIBIAN POLITICAL FIGURES, THE MEMBERS OF THE CONTACT GROUP WOULD FIND IT DIFFICULT, IF NOT IMPOSSIBLE, TO CONTINUE THEIR EFFORT TO REACH A NAMIBIAN SETTLEMENT.

13. FOR USUN. WE WOULD ALSO INFORM SAG IN GENERAL TERMS

THAT WE ARE MAKING ABOVE APPROACH, CAUTIONING THEM IN THE MEANTIME TO AVOID USING KAPUWO ASSASSINATION AS A CAUSE FOR UNILATERAL ACTION. MISSION SHOULD BRING ABOVE POINTS TO ATTENTION OF OTHER MEMBERS OF CONTACT GROUP ON URGENT BASIS AND REQUEST THAT THEY SEEK INSTRUCTIONS FROM CAPITALS.

14. FOR LONDON. AT MARCH 27 DINNER GIVEN BY UK AMBASSADOR IN HONOR OF PM CALLAGHAN, THE SECRETARY DISCUSSED POSSIBILITY OF GIVING SOME SORT OF CHAPTER VII COMMITMENT TO SWAPO. FRENCH AND FRG AMBASSADORS WERE ALSO PRESENT, ALTHOUGH VON STADEN DID NOT PARTICIPATE IN THE DISCUSSION. BRITISH HAVE SUBSEQUENTLY COME BACK WITH MESSAGE FROM OWEN SAYING THAT THIS IDEA IS UNACCEPTABLE BECAUSE IT WOULD OPEN WAY TOWARD UNCONTROLLABLE PROCESS OF IMPOSING SANCTIONS ON SOUTH AFRICA. EMBASSY LONDON SHOULD GO BACK TO OWEN, ON SECRETARY'S BEHALF, AND MAKE FOLLOWING POINTS:

A) THE CONTACT GROUP IS ALREADY COMMITTED TO THIS GENERAL LINE OF ACTION BY VIRTUE OF OUR AIDE MEMOIRE OF APRIL 7, 1977 TO THE SAG WHICH THREATENED "STERN ACTION BY THE UNITED NATIONS" IF SAG DID NOT COOPERATE ON NAMIBIA. WE CONFIDENTIAL

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ASSUME THAT SWAPO IS AWARE OF THIS POSITION, WHICH HAS IN ANY CASE BEEN IMPLICIT IN OUR ENTIRE NAMIBIAN VENTURE;

B) REGARDLESS OF THE CAUSE, IF OUR NAMIBIAN EFFORT BREAKS DOWN WE WILL BE IN THE SECURITY COUNCIL IN SHORT ORDER. TO THE EXTENT THAT WE CAN DEMONSTRATE THAT WE HAVE MADE A MAXIMUM EFFORT TO ACCOMMODATE SWAPO'S POSITION, OUR ABILITY TO HEAD OFF THEIR TYPE OF ACTION WHICH DR. OWEN FEARS WILL BE STRENGTHENED;

C) FINALLY, THE STATEMENT WHICH WE SUGGEST BE MADE TO NUJOMA WOULD BE VERY GENERAL IN NATURE AND WOULD BE CONDITIONED ON SWAPO'S ACCEPTANCE OF THE PROPOSAL. IT WOULD NOT COMMIT US TO ANY SPECIFIC STEPS, AND IT COULD CONCEIVABLY SERVE TO KEEP THE NEGOTIATING PROCESS GOING, THUS KEEPING THE NAMIBIA ISSUE OUT OF THE COUNCIL. EMBASSY SHOULD ALSO RAISE SUBJECT OF WALVIS BAY PER PARAS ABOVE, WHICH WAS NOT DISCUSSED IN DETAIL AT MARCH 27 DINNER. YOU SHOULD REQUEST THAT HMG STUDY OUR PROPOSED LANGUAGE CLOSELY AS A CLARIFICATION OF THE KIND OF APPROACH WE HAVE IN MIND.

15. FOR BONN, OTTAWA AND PARIS: PLEASE CONVEY ABOVE CONSIDERATIONS TO FOREIGN MINISTRIES AT HIGHEST POSSIBLE LEVEL, DRAWING FULLY ON REFTEL AS WELL AS POINTS MADE ABOVE. YOU SHOULD STRESS URGENCY OF SITUATION AND ASK THAT INSTRUCTIONS BE SENT TO RESPECTIVE UN MISSIONS ASAP.

(DUE TO THE FACT THAT AMBASSADORS VON STADEN AND
DELABOULAYE WERE PRESENT AT MARCH 27 DINNER, BONN AND
PARIS WILL PRESUMABLY FIND MINISTRIES APPRISED OF OUR
THINKING ON THE SECURITY COUNCIL ASPECT.) COOPER

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C O N F I D E N T I A L STATE 081721

NODIS

FOR DEPUTY SECY CHRISTOPHER

FOLLOWING REPEAT STATE 081721 ACTION SECY INFO USUN LAGOS
WHITE HOUSE DATE D MAR 30:

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TALK WITH ANDY, THIS CONTINUES TO BE A CRITICAL ELEMENT IN ACC-PTANCE BY BOTH SWAPO AND SAG. WE BELIEVE VORSTER MOST UNLIKELY TO AGREE TO LOCATE SOUTH AFRICAN TROOPS IN WINDHOEK OR FURTHER SOUTH. IT IS ALSO VERY DOUBTFUL SWAPO WILL ACCEPT THE PRESENCE OF THE RESIDUAL FORCE IN THE GROOTFONTEIN AND/OR OSHIVELLA AS PROPOSED BY THE FIVE.

7. DESPITE NUJOMA'S CLEAR DISSATISFACTION WITH SOME ASPECTS OF CONTACT GROUP'S PROPOSAL, WE BELIEVE THAT CONSTRUCTIVE CONTACT GROUP RESPONSE TO HIS REQUEST FOR POSITIVE STATEMENTS ON STATUS OF WALVIS BAY AND POSSIBLE SECURITY COUNCIL ACTION AGAINST SOUTH AFRICA (IN THE EVENT SWAPO ACCEPTS OUR PROPOSAL AND SOUTH AFRICA DOES NOT) WOULD GIVE US A BETTER BASIS FOR OBTAINING SWAPO'S ACCEPTANCE OF THE PROPOSAL. IN ADDITION, A POSITIVE RESPONSE ON NUJOMA'S TWO REQUESTS NOW WILL BUTTRESS OUR POSITION SHOULD NEGOTIATIONS BREAK DOWN WITH RESULTANT DEMANDS FOR COUNCIL ACTION. EVENTUAL PUBLIC REFERENCE TO OUR COMMITMENTS TO SWAPO WILL HELP US TO DEFEND AGAINST CHARGES THAT WE HAVE NOT STOOD BY OUR PROPOSALS AND PROVIDE A RATIONALE FOR RESISTING SC ACTION WHICH WE ARE NOT PREPARED TO COUNTENANCE.

8. ON WALVIS BAY, DEPARTMENT PROPOSES THAT CONTACT GROUP ADVISE NUJOMA THAT A PUBLIC STATEMENT BY THE FIVE TO THE EFFECT THAT WE SUPPORTED SWAPO VIEW THAT WALVIS BAY IS PART AND PARCEL OF NAMIBIA WOULD PROBABLY LEAD TO A BREAKDOWN IN ALL NEGOTIATIONS WITH SOUTH AFRICA. HOW-CONFIDENTIAL

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EVER, WE PROPOSE THE FOLLOWING STATEMENT WHICH WE WOULD BE PREPARED TO MAKE PUBLIC IF NUJOMA FOUND IT ACCEPTABLE.

-- WHILE WE ARE NOT PREPARED TO TAKE A POSITION ON THE COMPLEX LEGAL CLAIMS OF THE PARTIES, IN THE FINAL ANALYSIS, WE BELIEVE THE ISSUE MUST BE RESOLVED IN A POLITICAL RATHER THAN A LEGAL CONTEXT.

-- GEOGRAPHICALLY, ADMINISTRATIVELY, AND ECONOMICALLY THERE ARE STRONG ARGUMENTS FOR INCLUDING WALVIS BAY AS A PART OF AN INDEPENDENT NAMIBIA. THE ETHNIC AND CULTURAL TIES BETWEEN THE INHABITANTS OF WALVIS BAY AND THE

REST OF NAMIBIA ARE ALSO COMPELLING.

-- FROM THE OUTSET OF THEIR EFFORT TO FIND AN INTERNATIONALLY-ACCEPTABLE NEGOTIATED SOLUTION TO THE PROBLEM OF NAMIBIA IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 355, THE FIVE GOVERNMENTS HAVE TAKEN THE POSITION THAT A SOLUTION TO THE PROBLEM OF WALVIS BAY MUST BE FOUND IN

NEGOTIATIONS BETWEEN AN INDEPENDENT NAMIBIAN STATE AND SOUTH AFRICA.

-- WE BELIEVE THAT THE ECONOMIC, GEOGRAPHIC, POLITICAL AND ADMINISTRATIVE CONSIDERATIONS OUTLINED ABOVE ARE OF SUFFICIENT STRENGTH THAT THE OUTCOME OF THESE NEGOTIATIONS SHOULD BE THAT WALVIS BAY SHOULD BE PART OF NAMIBIA. IN LINE WITH THEIR CONTINUED INTEREST IN NAMIBIA, MEMBERS OF THE CONTACT GROUP WOULD BE PREPARED AT THE REQUEST OF THE PARTIES TO ASSIST IN FINDING SUCH A SOLUTION.

IN DISCUSSING ABOVE WITHIN CONTACT GROUP, MISSION SHOULD POINT OUT THAT MOST NAMIBIAN GROUPS, INCLUDING TURNHALLE, CONFIDENTIAL

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HAVE COME OUT FOR INCLUSION OF WALVIS BAY IN NAMIBIA. IN ADDITION, SOUTH AFRICA HAS AGREED THAT ALL ASPECTS OF WALVIS BAY QUESTION SHOULD BE SUBJECT TO NEGOTIATIONS.

9. WE BELIEVE THAT CONTACT GROUP SHOULD ALSO STRESS TO SWAPO POINT THAT THE WALVIS BAY ISSUE, WHILE IMPORTANT, IS NOT PARAMOUNT, AND THREATENS, THROUGH ITS TEMPORARY INSOLUBILITY, THE ENTIRE NEGOTIATING PROCESS. IN OUR VIEW, IT WOULD CLEARLY BE SELF-DEFEATING FOR SWAPO TO PASS UP THE OPPORTUNITY PRESENTED BY THE CONTACT GROUP PROPOSAL IN ORDER TO PROTECT ITS MAXIMUM POSITION ON THIS ISSUE.

10. TURNING TO SECURITY COUNCIL ASPECTS, DEPARTMENT HAS BEEN WORKING ON ASSUMPTION SINCE DELIVERY OF OUR INITIAL AIDE MEMOIRE TO SOUTH AFRICANS IN APRIL 1977 THAT "STERN ACTION" THREATENED IN THAT AIDE MEMOIRE WOULD PROBABLY INCLUDE CHAPTER VII SANCTIONS. WE HAVE NOW REACHED THE POINT WHERE WE WILL BE REQUIRED TO BE MORE SPECIFIC ON THIS POINT BOTH WITH SOUTH AFRICA AND SWAPO, AND WE BELIEVE THAT ATTITUDE OF CONTACT GROUP TOWARD EMPLOYMENT OF CHAPTER VII SANCTIONS SHOULD BE MAJOR TOOL IN OBTAINING ACCEPTANCE BY BOTH SIDES OF OUR PROPOSAL. IN THE LAST FEW WEEKS, SWAPO DIRECTLY AND THE SAG INDIRECTLY HAVE RAISED THE SAME QUESTION: IF WE ACCEPT YOUR PROPOSALS AND THE OTHER SIDE DOES NOT, WILL YOU STAND BEHIND YOUR OWN INITIATIVE? WE THINK IT IS NOW TIME TO SAY WE WILL.

11. CONSEQUENTLY, WE BELIEVE THAT CONTACT GROUP SHOULD AGREE TO INFORM SWAPO THAT IF SWAPO ACCEPTS CONTACT GROUP

PROPOSAL AS IT STANDS, INCLUDING STATEMENT ON WALVIS BAY IN PARA 3 ABOVE, AND SOUTH AFRICA REJECTS PROPOSAL AND PROCEEDS WITH AN ATTEMPT TO IMPLEMENT AN INTERNAL SETTLEMENT, THE MEMBERS OF THE CONTACT GROUP WOULD RECOGNIZE THAT THIS, WHEN COMBINED WITH SOUTH AFRICA'S SUSTAINED, ILLEGAL OCCUPATION OF NAMIBIA, CREATES A THREAT TO

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INTERNATIONAL PEACE AND SECURITY AS UNDERSTOOD IN CHAPTER VII OF THE CHARTER, AND THAT WE WOULD BE PREPARED TO SUPPORT A NAMIBIA-SPECIFIC CHAPTER VII FINDING AGAINST SOUTH AFRICA. RESOLUTION WHICH WE HAVE IN MIND, AND WHICH MISSION SHOULD DISCUSS WITH CONTACT GROUP, WOULD NOT CONTAIN SPECIFIC MEASURES BUT WOULD CALL ON ALL STATES TO TAKE "APPROPRIATE ACTION" UNDER ARTICLE 41 TO OVERCOME THIS THREAT TO THE PEACE. WE WOULD NOT PROPOSE TO DISCUSS WITH SWAPO THE NATURE OF CHAPTER VII ACTION WE WOULD BE PREPARED TO TAKE. SWAPO SHOULD, AT THE SAME TIME, BE MADE AWARE THAT IF SWAPO CONTINUED TO DESCRIBE CONTACT GROUP'S PROPOSAL AS INADEQUATE, WE WOULD CLEARLY BE ON WEAK GROUND IN PROPOSING SANCTIONS AGAINST SOUTH AFRICA EVEN IF SOUTH AFRICA ALSO REJECTED PROPOSAL. MOREOVER, SHOULD SWAPO REJECT PROPOSAL WHILE SOUTH AFRICA ACCEPTS IT, SWAPO SHOULD BE AWARE THAT NAMIBIA-SPECIFIC CHAPTER VII SANCTIONS UNDER THESE CIRCUMSTANCES ARE HIGHLY UNLIKELY.

12. THE DEPARTMENT BELIEVES THAT DETERIORATING ATMOSPHERE IN NAMIBIA IN WAKE OF CHIEF KAPUUNO'S ASSASSINATION REQUIRES INTERVENTION BY CONTACT GROUP WITH FRONT-LINE STATES AND SWAPO IN EFFORT TO HEAD OFF ESCALATION OF VIOLENCE. WE THINK THAT CONTACT GROUP MEMBERS SHOULD MAKE APPROACH TO FRONT LINE/SWAPO ALONG FOLLOWING LINES.

A) WE ARE COMMITTED TO PEACEFUL TRANSITION IN NAMIBIA;

B) WE ARE NOT COMMITTED TO ANY ONE NAMIBIAN PARTY. WE HAVE BEEN WORKING TO ESTABLISH CONDITIONS IN WHICH THE PEOPLE OF NAMIBIA, REGARDLESS OF RACE OR POLITICAL AFFILIATION, WILL BE ABLE TO DETERMINE THEIR OWN FUTURE WITHOUT FOREIGN INTERFERENCE;

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C) WE DO NOT ACCEPT AT FACE VALUE CLAIMS BY SOUTH AFRICA THAT SWAPO WAS RESPONSIBLE FOR CHIEF KAPUUNO'S DEATH, ALTHOUGH WE HAVE NOTED WITH ALARM AMBIGUOUS SWAPO STATEMENTS, SOME OF WHICH WOULD APPEAR TO WELCOME HIS ASSASSINATION AND IMPLY THAT FURTHER ACTION OF THIS TYPE WOULD LIKEWISE BE WELCOMED.

D) SHOULD IT BECOME APPARENT THAT SWAPO ELEMENTS HAVE EMBARKED ON A POLICY AIMED AT THE PHYSICAL ELIMINATION OF NAMIBIAN POLITICAL FIGURES, THE MEMBERS OF THE CONTACT GROUP WOULD FIND IT DIFFICULT, IF NOT IMPOSSIBLE, TO CONTINUE THEIR EFFORT TO REACH A NAMIBIAN SETTLEMENT.

13. FOR USUN. WE WOULD ALSO INFORM SAG IN GENERAL TERMS THAT WE ARE MAKING ABOVE APPROACH, CAUTIONING THEM IN THE MEANTIME TO AVOID USING KAPUWO ASSASSINATION AS A CAUSE FOR UNILATERAL ACTION. MISSION SHOULD BRING ABOVE POINTS TO ATTENTION OF OTHER MEMBERS OF CONTACT GROUP ON URGENT BASIS AND REQUEST THAT THEY SEEK INSTRUCTIONS FROM CAPITALS.

14. FOR LONDON. AT MARCH 27 DINNER GIVEN BY UK AMBASSADOR IN HONOR OF PM CALLAGHAN, THE SECRETARY DISCUSSED POSSIBILITY OF GIVING SOME SORT OF CHAPTER VII COMMITMENT TO SWAPO. FRENCH AND FRG AMBASSADORS WERE ALSO PRESENT, ALTHOUGH VON STADEN DID NOT PARTICIPATE IN THE DISCUSSION. BRITISH HAVE SUBSEQUENTLY COME BACK WITH MESSAGE FROM OWEN SAYING THAT THIS IDEA IS UNACCEPTABLE BECAUSE IT WOULD OPEN WAY TOWARD UNCONTROLLABLE PROCESS OF IMPOSING SANCTIONS ON SOUTH AFRICA. EMBASSY LONDON SHOULD GO BACK TO OWEN, ON SECRETARY'S BEHALF, AND MAKE FOLLOWING POINTS:

A) THE CONTACT GROUP IS ALREADY COMMITTED TO THIS GENERAL LINE OF ACTION BY VIRTUE OF OUR AIDE MEMOIRE OF APRIL 7, CONFIDENTIAL

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1977 TO THE SAG WHICH THREATENED "STERN ACTION BY THE UNITED NATIONS" IF SAG DID NOT COOPERATE ON NAMIBIA. WE ASSUME THAT SWAPO IS AWARE OF THIS POSITION, WHICH HAS IN ANY CASE BEEN IMPLICIT IN OUR ENTIRE NAMIBIAN VENTURE;

B) REGARDLESS OF THE CAUSE, IF OUR NAMIBIAN EFFORT BREAKS DOWN WE WILL BE IN THE SECURITY COUNCIL IN SHORT ORDER. TO THE EXTENT THAT WE CAN DEMONSTRATE THAT WE HAVE MADE A MAXIMUM EFFORT TO ACCOMMODATE SWAPO'S POSITION, OUR ABILITY TO HEAD OFF THEY TYPE OF ACTION WHICH DR. OWEN FEARS WILL BE STRENGTHENED;

C) FINALLY, THE STATEMENT WHICH WE SUGGEST BE MADE TO NUJOMA WOULD BE VERY GENERAL IN NATURE AND WOULD BE CONDITIONED ON SWAPO'S ACCEPTANCE OF THE PROPOSAL. IT WOULD NOT COMMIT US TO ANY SPECIFIC STEPS, AND IT COULD CONCEIVABLY SERVE TO KEEP THE NEGOTIATING PROCESS GOING, THUS KEEPING THE NAMIBIA ISSUE OUT OF THE COUNCIL. EMBASSY SHOULD ALSO RAISE SUBJECT OF WALVIS BAY PER PARAS ABOVE, WHICH WAS NOT DISCUSSED IN DETAIL AT MARCH 27 DINNER. YOU SHOULD REQUEST THAT HMG STUDY OUR PROPOSED

LANGUAGE CLOSELY AS A CLARIFICATION OF THE KIND OF
APPROACH WE HAVE IN MIND.

15. FOR BONN, OTTAWA AND PARIS: PLEASE CONVEY ABOVE
CONSIDERATIONS TO FOREIGN MINISTRIES AT HIGHEST POSSIBLE
LEVEL, DRAWING FULLY ON REFTEL AS WELL AS POINTS MADE
ABOVE. YOU SHOULD STRESS URGENCY OF SITUATION AND ASK
THAT INSTRUCTIONS BE SENT TO RESPECTIVE UN MISSIONS ASAP.
(DUE TO THE FACT THAT AMBASSADORS VON STADEN AND
DELABOULAYE WERE PRESENT AT MARCH 27 DINNER, BONN AND
PARIS WILL PRESUMABLY FIND MINISTRIES APPRISED OF OUR
THINKING ON THE SECURITY COUNCIL ASPECT.) COOPER UNQTE
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 26 sep 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CAT-B, INTERIM GOVERNMENT, LIBERATION FRONTS, NATIONALISTS, NEGOTIATIONS, POLITICAL SETTLEMENT, TOSEC
Control Number: n/a
Copy: SINGLE
Draft Date: 30 mar 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE081721
Document Source: ADS
Document Unique ID: 00
Drafter: IO/UNP:TNILES:EK/GK
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: P840163-0220, N780004-0124
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803126/baaafcg1.tel
Line Count: 777
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: bb6e5ebb-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NODS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: NODIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 15
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: NODIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3167394
Secure: LOCK1
Status: <DBA CORRECTED> mcm 970812
Subject: EFFORTS TO OBTAIN FAVORABLE SWAPO REACTION TO WESTERN PROPOSAL LAGOS FOR AMBASSADOR YOUNG 1. THE LATEST INFORMATION ON PROSPECTS FOR EITHER SWAPO OR SAG ACCEPTANCE OF CONTACT GROUP PROPOSAL ON NAMIBIA IS NOT ENCOURAGING. ASSASSINATION OF CHIEF
TAGS: PORG, SF, WA, PDEV, PORG, SWAPO
To: SECRETARY INFO USUN N Y MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/bb6e5ebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

